



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/784,611	02/23/2004	Thomas Erskine	BCGI-005XX	8298

207 7590 06/26/2006

WEINGARTEN, SCHURGIN, GAGNEBIN & LEOVICI LLP  
TEN POST OFFICE SQUARE  
BOSTON, MA 02109

EXAMINER

VU, MICHAEL T

ART UNIT PAPER NUMBER

2617

DATE MAILED: 06/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/784,611	ERSKINE ET AL.	
	Examiner	Art Unit	
	Michael Vu	2617	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 09 February 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 36-49 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 36-49 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>06/07/06</u> <u>06/10/05</u>  | 6) <input type="checkbox"/> Other: _____                                    |

**DETAILED ACTION**

***Election/Restrictions***

1. Applicant's election without traverse of claims 36-49 in the reply filed on 02/09/2006 is acknowledged.
2. The non-final Office action mailed on April 7, 2006 has been vacated and replaced with present non-final Office action because of typographical error made in identifying the Morriss (US 2004/0203601).

***Information Disclosure Statement***

3. The information disclosure statement (IDS) submitted is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

***Claim Objections***

4. Claim 1 is objected to because of the following informalities: the word "another" on line two in claim 1, is inconsistent with the claim language. Appropriate correction is required.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 36-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tiliks (US 2003/0076941) in view of Morriss (US 2004/0203601).

Regarding **claims 36 and 43**, Tiliks teaches a method of controlling communications between a communication device and another communication device (Fig. 1, Abstract) comprising the steps of: storing within a database at least one parameter corresponding to at least one restriction on use of the communication device for outgoing communications [0056], the at least one restriction comprising at least one of a time of day restriction defining at least one time period during which an outgoing communication from the communication device is not permitted [0034], an accessibility restriction comprising at least one identifier associated with another communication device that cannot be reached from the communication device [0037, 0053], and a location restriction defining at least one location at which an outgoing communication from the communication device is not permitted; **but is silent on** forwarding the at least one parameter from the database to the wireless communication device and storing the at least one parameter in a memory within the wireless communication device; in response to an attempt to initiate a communication from the wireless communication device to the other communication device, retrieving the at least one parameter from the memory and determining via use of a processor within the wireless communication device, whether a connection of the communication from the wireless communication device to the other communication device is contrary to the at least one restriction; in the event the connection of the communication from the wireless communication device

Art Unit: 2617

to the other communication device is not contrary (**not restricted**) to the at least one restriction, allowing the communication between the wireless communication device and the other communication device; and in the event the communication from the wireless communication device to the other communication device phone is contrary (**restricted**) to the at least one restriction, preventing the communication from the wireless communication device to the other communication device.

However, Morris teaches a method and apparatus for activating a restrictive operation mode of a wireless communication device, which is downloading or forwarding the parameter to a wireless device, then stored the information into it. Alternatively, the wireless device may be programmed to prohibit all use of the wireless device except for contacting the restricted target device (s) once the device is placed in the restrictive operating mode (Fig. 1, Mobile Device #101 via infrastructure networks, [0011, 0055]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Tiliks, such that forwarding the at least one parameter from the database to the wireless communication device and storing the at least one parameter in a memory within the wireless communication device; in response to an attempt to initiate a communication from the wireless communication device to the other communication device, retrieving the at least one parameter from the memory and determining via use of a processor within the wireless communication device, whether a connection of the communication from the wireless communication device to the other communication device is contrary to the at least one restriction; in the event the

connection of the communication from the wireless communication device to the other communication device is not contrary (**not restricted**) to the at least one restriction, allowing the communication between the wireless communication device and the other communication device; and in the event the communication from the wireless communication device to the other communication device phone is contrary (**restricted**) to the at least one restriction, preventing the communication from the wireless communication device to the other communication device, to protect or prevent of the unauthorized phone calls from the wireless device.

Regarding **claim 37**, Tiliks/Morris teach the method of claim 36, wherein the communication is a telephone call, the wireless communication device comprises a wireless phone, and the other communication device is another telephone and the preventing step includes the step of outputting a predetermined message for delivery to the wireless phone indicating that the call cannot be connected due to a restriction on use [0034] of Tiliks and [0011] of Morris.

Regarding **claim 38**, Tiliks/Morris teach the method of claim 36, wherein the accessibility restriction defining at least one identifier that cannot be reached from the wireless communication device comprises a list of identifiers associated with other communication devices that are inaccessible from the wireless communication device, the method further including the steps of: determining whether an identifier associated with the other communication device is included in the list of identifiers; and in the event the identifier is included in the list of identifiers, preventing the communication from being completed [0034, 0053, 0089] of Tiliks.

Regarding **claim 39**, Tiliks/Morris teach the method of claim 37, wherein the predetermined message indicates that the other communication device associated with the identifier is inaccessible [0034, 0053, 0089] of Tiliks.

Regarding **claim 40**, Tiliks/Morris teach the method of claim 36, further including the step of: determining whether an identifier corresponding to the other communication device is included in a list of identifiers that can always be reached; and in the event the connection of the communication is contrary to a use restriction comprising one of the time, date and location restriction, and the identifier corresponding to the other communication device is included in the list of identifiers corresponding to other communication devices that can always be reached, allowing the communication between the wireless communication device and the other communication device to proceed (Fig. 7-12, [0124-0149]) of Tiliks.

Regarding **claim 41**, Tiliks/Morris teach the method of claim 36, wherein the wireless communication device comprises a wireless phone, the other communication device comprise another phone, the communication is a call from the wireless phone to the other phone, the method further including the steps of: determining whether a predetermined allocation of time for a specified control period associated with the wireless phone has been fully depleted; determining whether an identifier corresponding to the other phone is included in a list of identifiers associated with other phones that may always be called; and in the event the predetermined allocation of time associated with the wireless phone has been fully depleted and the identifier corresponding to the

other phone is in the list of identifier that may always be called, connecting the wireless phone to the other phone [0034, 0124-0149] of Tiliks, and [0011] of Morris.

Regarding **claim 42**, Tiliks/Morris teach the method of claim 36 wherein the determining step comprises the step of executing program code on the processor within the wireless device to determine whether the connection of the communication is contrary to the at least one restriction [0034, 0124-0149] of Tiliks, and [0011] of Morris.

Regarding **claim 44**, Tiliks/Morris teach the apparatus of claim 43 wherein the first and second memories comprise different portions of the same memory (Fig. 2 of Morris).

7. Claims 45, 48-49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Awada (US 2003/0050044) in view of Bedingfield (US 2004/0110465).

Regarding **claim 45**, Awada teach a system for controlling usage of a wireless phone [0005], the system operative in conjunction with a billing system including a first server operable to execute a billing process and a first database containing parameters defining billing parameters applicable to the wireless device (Abstract, [0006-0009, 0014], the system comprising: **but is silent on** a second server operable to execute a supervisory process for controlling usage of the wireless phone as an overlay to the billing process; a second database containing a value defining a time duration that the wireless device may be used within a predetermined period, the second database being communicably coupled to the second server; the second server being operative: to maintain a record of time usage for the wireless phone within the predetermined period;



to prevent a call involving the wireless phone from being connected in the event the record of time usage indicates that the wireless phone has been used within the predetermined period for a period equal to the time duration; and to allow a call involving the wireless phone to be connected in the event the record of time usage indicates that the wireless phone has been used in the predetermined period for a period less than the time duration.

However, Bedingfield teaches the first and the second servers that containing/maintaining the record of the call usages and the billing process involving the time duration (Fig. 3, First Wireless Server Database #54, and Second Wireline Server Database #56, [0009,0016-0020, 0037-0038, 0054-0055]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Awada, such that a second server operable to execute a supervisory process for controlling usage of the wireless phone as an overlay to the billing process; a second database containing a value defining a time duration that the wireless device may be used within a predetermined period, the second database being communicably coupled to the second server; the second server being operative: to maintain a record of time usage for the wireless phone within the predetermined period; to prevent a call involving the wireless phone from being connected in the event the record of time usage indicates that the wireless phone has been used within the predetermined period for a period equal to the time duration; and to allow a call involving the wireless phone to be connected in the event the record of time usage indicates that the wireless phone has been used in the predetermined

Art Unit: 2617

period for a period less than the time duration, to provide the speed and the efficient of the management/controlling/monitoring the outgoing or incoming calls usage.

Regarding **claim 48**, Awada/Bedingfield teach the system of claim 45 wherein the predetermined period comprises a calendar month and the value comprises a specified number of minutes [0003, 0006] of Awada.

Regarding **claim 49**, Awada/Bedingfield teach the The system of claim 45 wherein the second database includes an always accessible number associated with another communication device that may always be called by the wireless phone and the second server is operative to exclude time involving calls between the wireless phone and the other communication device from the record of time usage.

8. Claims 46-47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Awada/Bedingfield in further view of Mehta (US 2002/0128984).

Regarding **claim 46**, Awada/Bedingfield teach the system of claim 45 wherein the first and second servers **but is silent on** comprise a single server operative to execute the billing process and the supervisory process.

However, Mehta teaches a computer and network-based for transmission-based billing server which executed or tracked the amount of data sent and received between the network and proxy billing server (e.g. stored the billing data to generate customer (call) or data records [0006, 0025-0026].

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Awada/Bedingfield, such that comprise a single

server operative to execute the billing process and the supervisory process, to provide the capability of the multi tasking servers, or to save time and cost for the sharing device.

Regarding **claim 47**, Awada/Bedingfield teach system of claim 45 wherein said first database and said second database **but is silent on** comprise portions of a single database.

However, Mehta teaches a computer and network-based for transmission-based billing server which executed or tracked the amount of data sent and received between the network and proxy billing server (e.g. stored the billing data to generate customer (call) or data records [0006, 0025-0026].

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Awada/Bedingfield, such that comprise portions of a single database, to provide the capability of the multi tasking servers, or to save time and cost for the sharing device.

### ***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Cox US 6,871,082

Crockett US 2002/0168055

Art Unit: 2617

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Vu whose telephone number is (571) 272-8131.

The examiner can normally be reached on 8:00am - 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duc Nguyen can be reached on 571-272-7503. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Michael T. Vu



ELISEO RAMOS-FELICIANO  
PRIMARY EXAMINER